THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12011 of 2007

12.6.2007

Between:

Bansilal, s/o.Late Kalyan Singh

… Petitioner

AND

The Government of Andhra Pradesh, represented by its Principal Secretary, Revenue Department, Secretariat, Hyderabad

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12011 of 2007

ORDER:

Petitioner's father, Kalyan Singh, purchased an extent of 286 Sq.mts and the land in T.S.No.1/P Ward No.13, Block-K of Shaikpet village, from Dilwar Ali Khan. He has constructed a house bearing No.9-4-187/1. Fourth respondent filed a land grabbing case before the Special Court constituted under A.P. Land Grabbing (Prohibition) Act, 1982 (the Act, brevity). The same being LGC No.88 of 1996 was enquired into along with LGC No.19 of 1996 by the Special Court. By an order dated 10.7.1977 LGC No.19 of 1996 was allowed and the petitioner was declared as land grabber to be evicted in accordance with the Act and A.P. Land Grabbing (Prohibition) Rules, 1982 (the Rules, for brevity). The petitioner moved this Court by filing W.P.No.19076 of 1997. A Division Bench of this Court dismissed the said writ petition by order dated 20.6.2006. Thereafter so as to execute the order of the Special Court, the Revenue Divisional Officer (RDO), issued a communication dated 22.2.2007 under Rule 15(2) of the Rules, deputing the Tahsildar, Shaikpet, to take possession of the land grabbed on behalf of the petitioner herein. The said notice is assailed in this writ petition.

After hearing learned Counsel for petitioner, this Court holds that the writ petition is not maintainable. Rule 15 of the Rules contains the procedure for executing the orders of the Special Court constituted under the Act for evicting the land grabbers. A reading of Rule 15 of the Rules would show that not only the opposite party before the Special Court but also those claiming under or through them are also liable for eviction under Rule 15. This aspect of the matter was considered by this Court in **Mullapudi Satyam v Sub-Collector, Vijayawada, Krishna District**[1]. The impugned notice is issued in accordance with the law and any interference in the matter would be

contrary to law.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

June 12, 2007.
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[1] 2003(5) ALD 679